

Message Text

SECRET

PAGE 01 SANTIA 01389 01 OF 02 172317Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----172330 085164 /70/61
P 171955Z FEB 77
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 3504

S E C R E T SECTION 1 OF 2 SANTIAGO 1389

STADIS////////////////////////////////////

EXDIS

FOR ACTING ASSISTANT SECRETARY LUERS FROM CHARGE BOYATT

E.O. 11652: GDS
TAGS: OVIP (LAVIN, JAIME)
SUBJECT: LAVIN AFFAIR

REF: A) STATE 33797; B) SANTIAGO 1217

1. I PERCEIVE WE HAVE YOUR ATTENTION. SERIOUSLY, WE RETURN TO THE FRAY ON THIS ONE WITH SOME DIFFIDENCE. HOWEVER, THE OPERATIONAL ISSUES AND THOSE OF PRINCIPLE ARE SO IMPORTANT THAT ANY ILLUMINATION RESULTING FROM FURTHER DIALOGUE WOULD BE WORTHWHILE. IN THE SPIRIT OF PURGING THE SOUL AND SHARPENING THE WIT, WE SUBMIT THE FOLLOWING ADDITIONAL POINTS FOR CONSIDERATION.

2. IN OUR CONTACTS WITH THE GOC WE HAVE ARGUED THE CASE EXACTLY AS YOU DO IN REF A. IN PRESENTING THE BASIC RATIONALE FOR USG ACTIONS; THE AMBASSADOR WITH FOREIGN MINISTER CARVAJAL, I WITH LAVIN, AND SEVERAL OTHER OFFICERS WITY THEIR INTERLOCUTORS, HAVE MADE PRECISELY THE ARGUMENTS YOU ELABORATE IN PARAS 1 AND 4 OF REF A. REGARDING LAVIN'S ALLEGATIONS

SECRET

SECRET

PAGE 02 SANTIA 01389 01 OF 02 172317Z

ABOUT HIS COLUMBIA UNIVERSITY VISIT, MY RESPONSE TO HIM (PARA 3 OF REF B) CLOSELY PARALLELED YOUR COMMENTS (PARA 6, REF A). FURTHERMORE, IN ANSWER TO LAVIN'S HINTS THAT THE GOC MIGHT TIGHTEN UP ON THE PAROLE PROGRAM, I STRONGLY COUNSELLED HIM AGAINST INDULGING IN WHAT WOULD BE ESSENTIALLY AN EXERCISE IN SELF-HARM.

3. OUR CONCERNS FOCUS ON OUR INTERNAL DIFFERENCES ABOUT THE PRESENT AND THE FUTURE, I.E., PROBLEMS REMAINING AND LESSONS TO BE LEARNED, NOT THE PAST. WE ARE NOT QUARRELING WITH THE DECISION TO SEND LAVIN HOME. THE DOMESTIC/POLITICAL IMPERATIVES WERE CLEAR AS WAS THE "NO-WIN" REALITY OF THE SITUATION. LAVIN'S CONTINUED PRESENCE WOULD HAVE RESULTED IN A BROUHAHA WHICH WOULD HAVE BEEN DAMAGING TO HIM PERSONALLY AND TO US/CHILE RELATIONS. SO FAR, SO GOOD.

4. FROM THIS POINT ON THREE SERIOUS (TO US AT LEAST) PROBLEMS MUST STILL BE DEALT WITH: THE QUALITY OF AMNESTY INTERNATIONAL'S (AI) VERBAL ASSERTIONS, THE MCCARTHYIST MANNER IN WHICH AI HAS THUS FAR PROCEEDED, AND HOW THE USG DEALS WITH AI IN THIS AND SIMILAR CASES.

5. AI'S CLAIMS. TO DATE USG ACTIONS IN THE LAVIN CASE SEEM TO BE BASED IN LARGE PART ON AI'S ORAL ALLEGATIONS. THE FACT THAT AI SAYS SOMETHING IS SO DOESN'T MAKE IT SO - PARTICULARLY REGARDING A MATTER SO FRAUGHT WITH POLITICAL AND MORAL IMPLICATIONS. WE WOULD LIKE TO COMMENT ON AI'S CLAIMS IN THE ORDER YOU PRESENTED THEM IN PARA 2 OF REF A AS FOLLOWS:

-- AI CLAIMS PINTO'S TESTIMONY WAS GIVEN SIX MONTHS BEFORE THE LAVIN VISIT. WE HAVE HEARD THAT THE TESTIMONY OF COLONEL PINTO WAS TAKEN SOME TIME BETWEEN
SECRET

SECRET

PAGE 03 SANTIAGO 01389 01 OF 02 172317Z

THE 10TH AND 20TH OF JANUARY, 1977. THE MATTER COULD BE SETTLED IF AMNESTY WERE TO SUPPLY A DATED, NOTARIZED DOCUMENT;

-- PINTO'S TESTIMONY IS REPORTED AS HAVING BEEN CHECKED WITH OTHER TESTIMONY. LET AI SUPPLY THAT OTHER TESTIMONY. ARE THEY TALKING ABOUT ACCUSATIONS MADE IN A "RUSSELL TRIBUNAL?" IS THIS PARTICULAR "RUSSELL TRIBUNAL" LIKE THE VIET NAM "RUSSELL TRIBUNAL" WHICH CONDEMNED MANY DISTINGUISHED US CITIZENS AS WAR CRIMINALS, OR, ARE THESE "OTHER REPORTS" AT LEAST PRIMA FACIE SERIOUS? LET THEM BE PRODUCED AND THEN WE CAN MAKE JUDGMENTS:

-- LAVIN'S NAME IS REPORTED TO APPEAR ON A LIST. THERE ARE PLENTY OF LISTS FLOATING AROUND REGARDING ALLEGATIONS AS TO TORTURE IN CHILE. HERE IN SANTIAGO

THE SWEDISH CHARGE GAVE US A LIST HE OBTAINED FROM SOME STUDENT GROUP IN GENEVA ON WHICH LAVIN'S NAME

APPEARS. LAVIN'S NAME WAS PUT ON THIS LIST BECAUSE HIS NAME APPEARED IN A RUSSELL TRIBUNAL PROCEEDING. WE, ABOVE ALL, SHOULD BE SUSPICIOUS OF CHILE LISTS SINCE MANY OF OUR OWN RESPECTED COLLEAGUES APPEAR ON LISTS CLAIMING ALL SORTS OF THINGS ABOUT THE PAST IN CHILE:

SECRET

NNN

SECRET

PAGE 01 SANTIA 01389 02 OF 02 172318Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----172333 085172 /61
P 171955Z FEB 77
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 3505

S E C R E T SECTION 2 OF 2 SANTIAGO 1389

STADIS//////////

EXDIS

-- THE CONFIRMING WITNESS, A SECRET WITNESS, MAY OR MAY NOT BE SERIOUS. IT IS NOT CLEAR FROM REF A WHETHER YOU SPOKE TO THIS WITNESS AND, IF SO, WHAT WERE HIS ALLEGATIONS? IS IT CARBACHO OR ANOTHER ALLENDE ACTIVIST WITH AN AXE TO GRIND? WHO IS THIS SECRET WITNESS AND HOW RELIABLE IS HE? AGAIN, LET THE ACCUSATIONS BE PUT INTO THE RECORD.

6. AI AND MCCARTHYISM. WHILE MCCARTHYISM IS A BUZZ WORD, IT IS ALSO VERY DESCRIPTIVE. IT ACCURATELY DESCRIBES THE GAME THAT AI HAS PLAYED IN THIS AFFAIR, AT LEAST TO DATE. WE CANNOT AVOID THE ISSUE BY AVOIDING THE USE OF THE WORD. IN THE EARLY '50'S SENATOR MCCARTHY WAIVED LISTS AND CLAIMED TO HAVE SWORN AFFIDAVITS WHICH WOULD PROVE THE EXISTENCE OF A NUMBER OF COMMUNISTS IN THE STATE DEPARTMENT. FOR MONTHS NEITHER THE LISTS NOR AFFIDAVITS WERE PRODUCED. WHAT DID COME TO LIGHT WAS SO FULL OF STANTIAL AND HEARSAY EVIDENCE THAT IT COULD ONLY BE CHARACTERIZED AS JUNK. IN THE MEANTIME, THE ACCUSED WERE TREATED AS IF THE CASE AGAINST THEM HAD BEEN PROVED; THEY WERE FIRED FROM JOBS, ETC. IN THE LAVIN

CASE AI IS WAIVING AROUND LISTS AND CLAIMING IT HAS

SECRET

SECRET

PAGE 02 SANTIA 01389 02 OF 02 172318Z

CONDEMNING AFFIDAVITS. TO DATE THE DOCUMENTS HAVE NOT BEEN PRODUCED. MEANWHILE, LAVIN IS TREATED AS IF HE WERE GUILTY AND ASKED TO LEAVE THE COUNTRY.

7. THE PROBLEM FOR US IS THAT AI HAS NOT EVEN PRODUCED PIECES OF PAPER WHICH PURPORT TO BE EVIDENCE. AI FORCED THE ISSUE IN SUCH A WAY AS WOULD SERIOUSLY DAMAGE LAVIN PERSONALLY AND AFFECT BILATERAL RELATIONS ADVERSELY. THEY ARE BOUND TO SHOW THEIR EVIDENCE, AND THE DEPARTMENT IS BOUND TO PRESS THEM. UNTIL AI AT LEAST MAKES A PRIMA FACIE CASE, THE USG IS ASSOCIATED WITH A PROCESS THAT IS SUBJECT TO THE CHARGE OF MCCARTHYISM. WE BELIEVE IT IS IMPERATIVE FOR USG TO KEEP PUSHING AI AND WE ARE DELIGHTED THAT YOU HAVE FORMALLY ASKED AI TO PRODUCE THE EVIDENCE. IF AI DOES NOT COME THROUGH, WE BELIEVE THE DEPARTMENT IS OBLIGATED TO MAKE AN ISSUE OF IT PUBLICLY -- PERHAPS BY MEANS OF ANOTHER LETTER TO THEM THAT WOULD BE RELEASED TO THE PRESS.

8. THE USG AND AI. USG HANDLING OF THE LAVIN CASE IS IMPORTANT IN TERMS OF HOW WE DEAL WITH AI AND SIMILAR GROUPS IN THE FUTURE. IF WE DON'T CALL AMNESTY ON THIS ONE, WHAT IS TO STOP THEM FROM PROCEEDING IN THE FUTURE IN A SIMILAR FASHION AGAINST A HOST OF CHILEAN OFFICIALS OR OFFICIALS FROM OTHER COUNTRIES WHERE HUMAN RIGHTS

ARE NOT OBSERVED (A DEFINITION THAT TAKES IN A LOT OF TERRITORY - MOST OF THE REST OF THE WORLD). WE HAVE NO DOUBT ABOUT AMNESTY'S GOOD INTENTIONS AND ITS EFFECTIVENESS IN MANY CASES. ON THE OTHER HAND, JUDGING FROM THEIR REPORTS AND LETTERS WE HAVE RECEIVED FROM INDIVIDUAL MEMBERS, THERE IS OFTEN AN EMOTIONAL TINT, A NAIVETE AND A BUILT-IN BIAS AGAINST THE GOC WHICH MUST BE TAKEN INTO ACCOUNT WHEN DEALING WITH THEM. FOR INSTANCE, AI ASSUMES THAT A CHILEAN LEFTIST OUTSIDE OF CHILE IS A MORE RELIABLE WITNESS THAN WHEN IN THE

SECRET

SECRET

PAGE 03 SANTIA 01389 02 OF 02 172318Z

CTUNTRY. THIS IS NOT NECESSARILY SO. THE EXPATRIOT CHILEAN, OFTEN A DEDICATED AND TOTAL POLITICAL ENEMY OF THIS REGIME, IS FREE TO SAY ANYTHING, HOWEVER UNTRUE. THIS REGIME'S FAULTS, AND THEY ARE MANY AND SERIOUS, ASIDE, THERE IS A COMMUNIST-FINANCED AND ORCHESTRATED AGITPROP

CAMPAIGN AGAINST THE GOC. THESE GROUPS ARE PREPARED TO SPEND MONEY (E.G., THE REPORT THAT MARXIST MONEY FUNNELED THROUGH CUBA FINANCED CONGRESSMAN HARRINGTON'S 1975 TRIP TO MEXICO) AND SAY ANTHING AGAINST THE GOC. OUR POINT IS THAT WE PRESERVE THE INTEGRITY OF OUR OWN POLICY, WE MUST HOLD AI TO A STRICT ACCOUNTING.

9. PERSONAL ASIDE FROM BOYATT TO LUERS. I WOULD LIKE TO GO OUT ON A LIMB (FAMILIAR TERRITORY) AND BET YOU A CASE OF YOUR FAVORITE BRAND THAT AI DOES NOT HAVE A PRESENTABLE CASE AGAINST LAVIN. ON THE BASIS OF MANY YEARS' EXPERIENCE WITH ZEALOTS AND SHEER INTUITION I BELIEVE THAT AI IS STALLING IN PRODUCING THEIR DOCU-MENTS BECAUSE THEY JUST DON'T HAVE A GOOD CASE. HAD AI BEEN IN POSSESSION OF THE GOODS ON LAVIN, THEY WOULD HAVE PRESENTED PUBLISHABLE DOCUMENTATION TO THE NEW YORK TIMES AND WASHINGTON POST AND NAILED LAVIN WHILE HE WAS IN THE U.S.. THIS CASE GIVES OFF THE DISTINCT ODOR OF RETREAT. IF AI HAS A GOOD CASE, FINE; WE CAN PROCEED ON THAT BASIS. LET'S FIND OUT.

10. FINALLY, LET ME SAY THAT THE ABOVE ARE MY VIEWS AND THOSE OF ALL MISSION OFFICERS WHO HAVE DEALT WITH THE LAVIN AFFAIR. AMBASSADOR POPPER RETURNS SUNDAY AND MAY HAVE FURTHER COMMENTS FROM HIS OWN PERSPECTIVE. BOYATT

SECRET

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 17-Feb-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977SANTIA01389
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770057-0771
Format: TEL
From: SANTIAGO
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770231/aaaabbub.tel
Line Count: 250
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: ab9b17c5-c288-dd11-92da-001cc4696bcc
Office: ACTION SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS, STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS, STADIS
Reference: 77 STATE 33797, 77 SANTIAGO 1217
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 16-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3295236
Secure: OPEN
Status: NATIVE
Subject: LAVIN AFFAIR
TAGS: OVIP, (LAVIN, JAIME)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/ab9b17c5-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009